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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,159	12/08/2003	Richard J. Schneider	4164-199	5096

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Robert B. Reeser, III Armstrong Teasdale LLP One Metropolitan Square, Suite 2600 St. Louis, MO 63102		

EXAMINER	
LEIVA, FRANK M	

ART UNIT	PAPER NUMBER
3714	

NOTIFICATION DATE	DELIVERY MODE
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USpatents@armstrongteasdale.com

<b>Office Action Summary</b>	Application No. 10/731,159	Applicant(s) SCHNEIDER ET AL.	
	Examiner Frank M. Leiva	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-32 and 49-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 and 49-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Acknowledgements***

1. The examiner acknowledges claims 33-48 canceled in the applicant's submission and amended renumbering of previously numbered claim 50, now new claim 52, filed 08 November 2007.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. **Claims 1-24 are rejected under 35 U.S.C. 102(a) as being anticipated by Wolfe et al (US 2004/0002386 A1), hereinafter "Wolfe".**

4. **Regarding claim 1;** Wolfe discloses a method of registering an unenrolled player in a player tracking system, comprising:

permitting the unenrolled player to play a gaming device using an unenrolled player account, (¶[0118]).

detecting a triggering event, (¶[0117]), Qualifying for "hot player" status.

notifying the unenrolled player after the occurrence of the triggering event; and

allowing the unenrolled player to enroll in the player tracking system in response to the notification, (¶[0118]).

5. **Regarding claim 2;** Wolfe discloses awarding unenrolled players with enrollment incentives for enrolling, (¶[0006]).

6. **Regarding claim 3;** Wolfe discloses wherein the detecting a triggering event comprises detecting, by the player tracking system, that a triggering event has been

detected and prompting a casino employee present at the gaming device to contact the unenrolled player, (¶[0118]).

7. **Regarding claim 4;** Wolfe discloses wherein a plurality of unenrolled players play a plurality of gaming devices, (¶[0117]), wherein carded and uncarded players can play.

8. **Regarding claim 5;** Wolfe discloses wherein the plurality of gaming devices are networked together, (¶[0117]), the information is accumulated by the tracking system.

9. **Regarding claim 6;** Wolfe discloses wherein the triggering event corresponds to an unenrolled player among the plurality of players having a highest level of player rating, (¶[0117]).

10. **Regarding claim 2;** Wolfe discloses wherein the triggering event corresponds to a randomly selected player among the plurality of players, (¶[0168]), as in a representative walking up to a guess and redeeming his/her ticket at the gaming machine.

11. **Regarding claim 7-8;** Wolfe discloses wherein the triggering event is a random occurrence, (¶ [0018]), randomly occurring Jackpots events or random promotions such as "Hot Seat".

12. **Regarding claim 9;** Wolfe discloses wherein the triggering event is a predetermined occurrence, (¶[0172]).

13. **Regarding claim 10;** Wolfe discloses wherein notifying the unenrolled player comprises soliciting the unenrolled player to enroll in the player tracking system, (¶[0119]).

14. **Regarding claim 23;** Wolfe discloses wherein the unenrolled player is allowed to enroll with the assistance of casino personnel, (¶[0119]).

15. **Regarding claim 24;** Wolfe discloses wherein casino personnel approach the unenrolled player after the occurrence of the triggering event.

***Claim Rejections - 35 USC § 102***

16. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

17. **Claims 49-52 are rejected under 35 U.S.C. 102(b) as being anticipated by Benoy et al. (US 6,896,618 B2), Hereinafter “Benoy”.**

18. **Regarding claim 49;** Benoy discloses: A player tracking system for uncarded players, comprising: a host computer; a network interconnecting gaming devices to the host computer; means for tracking uncarded play by uncarded players having uncarded player accounts; a memory for storing the tracked uncarded play; means for detecting the occurrence of a triggering event; and means for notifying the uncarded players after the occurrence of the triggering event, (col. 2:25-36).

19. **Regarding claims 50-52;** Benoy discloses means for enrolling the uncarded players in a player tracking system; means for awarding a bonus; the notifying means is a soliciting means, (col. 2:25-36).

***Claim Rejections - 35 USC § 103***

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**21. Claims 11- 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolfe as applied to claim 1 above and in further view of Walker et al. (US 2004/0127284 A1), hereinafter "Walker '284".**

**22. Regarding claims 11-16;** Walker '284 discloses: wherein notifying the unenrolled player comprises visually notifying the unenrolled player; wherein notifying the unenrolled player comprises notifying the unenrolled player through a display associated with the gaming device; wherein notifying the unenrolled player comprises notifying the unenrolled player through an overhead sign; wherein the aural notification is emitted from the gaming device; wherein the aural notification is emitted from a speaker remote to the gaming device, (fig. 8:802, ¶[0662-0689]), wherein fig. 8 shows a reminder message to the player to register for the player tracking system and the rest shows all forms used by walker to effectively communicate to the players according to the urgency of the message.

**23. Regarding claims 11-16;** It would have been obvious to one of ordinary skill in the art at the time of the invention to use the teachings of player messaging of Walker '284 in Wolfe's invention to further help the player's in the busy casino floor. It is obvious that Wolfe's system works better if the player is enrolled in the player tracking system and adding well-known messages to players that are not enrolled is a predictable use of the equipment already at hand.

**24. Claims 17-22 and 25-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolfe as applied to claim 1 above and in further view of Benoy.**

**25. Regarding claim 17-22;** Benoy discloses:

wherein the unenrolled player is allowed to self enroll; wherein the unenrolled player is allowed to enroll through a terminal on the casino floor; wherein the terminal is unattended; wherein the unenrolled player is allowed to enroll at the gaming device; wherein the unenrolled player is allowed to enroll through a keypad associated with the gaming device; wherein the unenrolled player is allowed to enroll through a display associated with the gaming device, (col. 6:16-32).

**26. Regarding claim 25;** Benoy discloses applying a credit to the newly enrolled player's account following enrollment, (col. 6:63-64, 7:30-31).

**27. Regarding claims 26-32;** Benoy discloses wherein the unenrolled player is permitted to play the gaming device using a temporary account; wherein credit is applied to the temporary account; wherein the unenrolled player is permitted access to the credit following enrollment; wherein the credit is payable immediately; wherein the credit is payable on a future visit; wherein the credit is payable incrementally; wherein the temporary account is associated with a player identifier, (col. 18:29-59).

**28. Regarding claims 17-22 and 25-32;** It would have been obvious to one of ordinary skill in the art at the time of the invention to add to the wireless invention of Wolfe that allows to register a player while sitting on the machine the facility of Benoy to incorporate point of play registration so that the player doesn't have to wait for a host to assist in the registration.

***Response to Arguments***

**29.** Applicant's arguments with respect to claims 1-32 and 49-52 have been considered but are moot in view of the new ground(s) of rejection.

**Conclusion**

30. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank M. Leiva whose telephone number is (571) 272-2460. The examiner can normally be reached on M-Th 9:30am - 5:pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FML

01/21/2008

  
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Supervisory Patent Examiner  
Art Unit 3714